

DIAMOND MCCARTHY LLP

909 Fannin, Suite 1500
Houston, Texas 77010
Telephone (713) 333-5100
Facsimile (713) 333-5199

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Allan B. Diamond, TX State Bar No. 05801800
Email: adiamond@diamondmccarthy.com
J. Maxwell Beatty, TX State Bar No. 24051740
Email: mbeatty@diamondmccarthy.com

Special Litigation Counsel for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-
06-10725 LBR

**Notice of Rescheduled Hearing on
Objection of USACM Liquidating Trust
to Proof of Claim of Community Bank of
Nevada (with Certificate of Service)**

Date of Hearing: August 14, 2009
Time of Hearing: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

NOTICE IS HEREBY GIVEN that an Objection to the Proof of Claim of Community
Bank of Nevada (the "Claim Objection") was filed on June 2, 2009 by the USACM Liquidating

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 Trust (the "USACM Trust") [Dkt. No. 7174]. The Motion seeks entry of an order disallowing
2 Proof of Claim No. 10725-00516 filed by Community Bank of Nevada.

3 **NOTICE IS FURTHER GIVEN** that if you do not want the Court to grant the relief
4 sought in the Claim Objection, or if you want the Court to consider your views on the Claim
5 Objection, then you must file an opposition with the Court, and serve a copy on the person making
6 the Claim Objection *no later than 15 days* after the date of this Notice. If the hearing date has
7 been set on less than 15 days' notice, then the opposition must be filed and served *no later than 5*
8 *business days* before the hearing. The opposition must state your position, set forth all relevant
9 facts and legal authority, and be supported by affidavits or declarations that conform to Local
10 Rule 9014(c).
11

12 If you object to the relief requested in the Claim Objection, you *must* file a **WRITTEN**
13 response to the Claim Objection with the Court. You *must* also serve your written response on
14 the person who sent you this notice.
15

16 If you do not file a written response with the Court, or if you do not serve your written
17 response on the person who sent you this notice, then:

- 18 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 19 • The Court may *rule against you* without formally calling the matter at the hearing.

20 **NOTICE IS FURTHER GIVEN** that the hearing on the said Claim Objection will be
21 held before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley Federal
22 Building, 300 Las Vegas Boulevard South, Third Floor, Bankruptcy Courtroom No. 1, Las Vegas,
23 Nevada 89101 on **Friday, August 14, 2009, at 9:30 a.m.**
24
25
26

1 DATED: June 2, 2009.

2
3 **DIAMOND MCCARTHY LLP**

4
5 By: /s/ J. Maxwell Beatty

6 Allan B. Diamond, TX 05801800 (pro hac vice)

7 J. Maxwell Beatty, TX 24051740 (pro hac vice)

8 909 Fannin, Suite 1500

9 Houston, Texas 77010

10 (713) 333-5100 (telephone)

11 (713) 333-5199 (facsimile)

12 *Special Litigation Counsel for*

13 *USACM Liquidating Trust*

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the law firm of DIAMOND MCCARTHY LLP, and that on the 2nd day of June 2009, I served a true and correct copy of the foregoing **Notice of Rescheduled Hearing on Objection of USACM Liquidating Trust to Proof of Claim of Community Bank of Nevada** (a) by electronic transmission to all parties on the USACM Post-Effective Date Service List Dated March 31, 2009 and (b) by United States Mail, first class, postage prepaid to Community Bank of Nevada, Summerlin Offices, 7676 W. Lake Mead Boulevard, Las Vegas, NV 89128-6642.

/s/ Catherine A. Burrow, CLA
Catherine A. Burrow, CLA
Diamond McCarthy LLP